

**REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
June 15, 2005
CLOSED SESSION – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS
825 Imperial Beach Boulevard
Imperial Beach, California**

CALL TO ORDER

MAYOR ROSE called the Closed Session Meeting to order at 5:37 p.m.

ROLL CALL

Councilmembers present:	McCoy, Winter, McLean
Councilmembers absent:	None
Mayor present:	Rose
Mayor Pro Tem present:	Janney

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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CLOSED SESSION

MOTION BY ROSE, SECOND BY MCLEAN, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH LABOR NEGOTIATOR.

Pursuant to Government Code Section 54957.6:

Agency Negotiator:	City Manager
Employee organizations:	Imperial Beach Firefighters' Association (IBFA) Service Employees International Union (SEIU), Local 2028

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Pursuant to Government Code Section 54956.9(a):

Names of Cases:

Winkelman 05/18/95 Trust vs. City of Imperial Beach – GIS 20940
Becker Family Trust vs. City of Imperial Beach – GIS 20844

MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE adjourned the meeting to Closed Session at 5:38 p.m. and she reconvened the meeting to Open Session at 6:15 p.m. Reporting out of Closed Session, MAYOR ROSE announced Council met earlier in Closed Session, received information from staff and that City Attorney Lough had an announcement.

CITY ATTORNEY LOUGH reported that in regard to the Closed Session item pertaining to Becker Family Trust vs. the City of Imperial Beach, there was a unanimous vote of City Council to appoint the City Attorney to defend the matter; in regard to the Closed Session item pertaining to Winkelman 05/18/95 Trust vs. the City of Imperial Beach, there was a majority vote

of City Council to appoint the City Attorney to defend the matter with disqualifications from Councilmembers Winter and McCoy due to potential conflicts of interest.

CALL TO ORDER

MAYOR ROSE called the Regular Meeting to order at 6:16 p.m.

ROLL CALL

Councilmembers present:	McCoy, Winter, McLean
Councilmembers absent:	None
Mayor present:	Rose
Mayor Pro Tem present:	Janney

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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PLEDGE OF ALLEGIANCE/INVOCATION

MAYOR ROSE led everyone in the Pledge of Allegiance and asked everyone to bow his or her head for a moment of silence.

AGENDA CHANGES

MOTION BY ROSE, SECOND BY MCLEAN, TO TAKE ITEM NO. 7.4 – UPDATE ON 50th ANNIVERSARY CELEBRATION PLANNING AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

CITY ATTORNEY LOUGH announced that there was a need to add an urgency item on the Consent Calendar as Item No. 2.8 – Resolution authorizing the approval of a \$22,720 change order to RDA/CIP Street Improvements – Phase 1 – (CIP #S04-105) contract with Hazard Construction Company in accordance with Government Code Section 54954.2(b)(2), as there was a need to take immediate action and that the need for action came to staff's attention subsequent to the agenda being posted.

MOTION BY WINTER, SECOND BY MCLEAN TO ITEM NO. 2.8 – RESOLUTION AUTHORIZING THE APPROVAL OF A \$22,720 CHANGE ORDER TO RDA/CIP STREET IMPROVEMENTS – PHASE 1 – (CIP #S04-105) CONTRACT WITH HAZARD CONSTRUCTION COMPANY TO THE CONSENT CALENDAR IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54954.2(B)(2). MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL ANNOUNCEMENTS

COUNCILMEMBER MCCOY reported that she meet with the Cahuilla Band of Indians in the northeastern part of San Diego County regarding transportation issues.

COUNCILMEMBER MCLEAN reported he attended an Annual Optimist Club - 6th Grade Scholar Tea at Sunnyslope Elementary, commended staff on the success of the Bike Safety Rodeo event; and he reported on the San Diego County League of California Cities Housing Workshop.

COUNCILMEMBER WINTER announced that the International Boundary and Water Commission (IBWC) would be holding a citizens' forum in the Community Room at 6:00 p.m. tomorrow.

MAYOR ROSE expressed appreciation to City Manager Brown, Public Safety Director Sotelo and Sheriff's Captain Parker for their readiness to respond to the tsunami threat that occurred last night; she spoke about taking a tour bus to Laughlin as a fundraiser for the South Bay Education Foundation; and she announced that this weekend YMCA-Camp Surf is holding a Tropical Beach Party fundraiser.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS/PROCLAMATIONS (1.1 - 1.2)

1.1 PRESENTATION OF CERTIFICATE – ON BEHALF OF INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS, LINDA A. TROYAN, CMC, CITY CLERK OF SANTEE TO PRESENT JACQUELINE M. HALD, CITY CLERK OF IMPERIAL BEACH, A CERTIFICATE FOR ATTAINMENT OF CERTIFIED MUNICIPAL CLERK DESIGNATION. (0410-30)

CITY MANAGER BROWN introduced the item.

LINDA TROYAN, City Clerk for the City of Santee and on behalf of the International Institute of Municipal Clerks (IIMC), presented a certificate to the Imperial Beach City Clerk, Jacqueline M. Hald, for her attainment of Certified Municipal Clerk (CMC) Designation.

1.2 PRESENTATION BY IMPERIAL BEACH COMMUNITY EMERGENCY RESPONSE TEAM – CERT TRAILER/EQUIPMENT, RECOGNITION OF FIREMAN'S FUND. (0210-11)

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR SOTELO gave a background on the CERT Program and the new CERT trailer; he invited everyone outside to view the new CERT trailer.

MAYOR ROSE called a recess at 5:35 p.m. and she reconvened the meeting to Open Session at 6:48 p.m.

ROLL CALL

Councilmembers present:	McCoy, Winter, McLean
Councilmembers absent:	None
Mayor present:	Rose
Mayor Pro Tem present:	Janney

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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In recognition of Fireman's Fund's generous contribution and commitment to public safety MAYOR ROSE presented a plaque to Fireman's Fund representative, Barbara J. Sablan.

CONSENT CALENDAR (2.1 - 2.8)

MAYOR PRO TEM JANNEY announced he had a potential conflict of interest on Item No. 2.7 as his wife is involved with the BID and he disqualified himself from voting on the item.

MOTION BY ROSE, SECOND BY MCCOY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.8. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Special Budget Workshop Meeting of May 23, 2005.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified Accounts Payable Numbers 59430 through 59549 for the period ending 06/03/05 and Payroll Register Numbers 35570 through 35627 for the period ending 05/26/05 in the amount of \$1,213,691.25.

2.3 AUTHORIZATION FOR CITY MANAGER TO INCREASE THE BDS ENGINEERING PURCHASE ORDER FOR PUMP STATION 8 & 9 (CIP #W03-102). (0830-35)

1. Received report; and
2. Adopted Resolution No. 2005-6169 authorizing the City Manager to sign an amended purchase order to BDS Engineering to a total expenditure of \$143,400.

2.4 AUTHORIZATION TO RENEW THE PARTNERSHIPS WITH INDUSTRY GROUP (PWI) SERVICES AGREEMENT. (0920-20)

1. Received report; and
2. Adopted Resolution No. 2005-6168 authorizing the Public Works Director to execute the agreement with PWI and authorizing the City Manager to approve a purchase order for the cost of the annual agreement with PWI.

2.5 856 CALLA AVE. CONDOMINIUMS; FINAL MAP (TM 04-118) FOR THE PROPOSED CONVERSION OF TEN RESIDENTIAL UNITS TO CONDOMINIUM OWNERSHIP AT 856 CALLA AVE., IN THE R-2000 (MEDIUM DENSITY RESIDENTIAL) ZONE. OWNER/APPLICANT: JAMES ALGERT. MF 731. (0600-20)

Approved the Final Map (TM 04-118) and made the findings as listed in the staff report.

2.6 COMPUTER SUPPORT AND CONSULTING SERVICES CONTRACTS WITH JIM GRACZYK AND PABLO RODRIGUEZ. (1110-05)

Adopted Resolution No. 2005-6172 authorizing the City Manager to enter into two-year computer consulting contracts with Jim Graczyk and Pablo Rodriguez (DBA Guindos.com).

2.7 SCHEDULE OF PUBLIC HEARING FOR FY 2005/2006 BUSINESS IMPROVEMENT DISTRICT (BID) ASSESSMENTS. (0465-20)

1. Scheduled the public hearing for FY 2005/2006 BID Assessments for July 6, 2005; and
2. Deferred consideration of the Chamber's FY 2005/2006 BID expenditure budget request until after the City Attorney revises the BID Operating Agreement.

2.8 RESOLUTION AUTHORIZING THE APPROVAL OF A \$22,720 CHANGE ORDER TO RDA/CIP STREET IMPROVEMENTS – PHASE 1 – (CIP # S04-105) CONTRACT WITH HAZARD CONSTRUCTION COMPANY. (0720-10)

(Added as an Urgency Item by previous Council action.)

1. Receive report;
2. Adopt Resolution No. R-05-69, authorizing the approval of a \$22,720 change order to RDA/CIP Street Improvements – Phase 1 – (CIP# S04-105) Contract with Hazard Construction Company.

REPORTS (7.4)

7.4 UPDATE ON 50th ANNIVERSARY CELEBRATION PLANNING. (0190-75)

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER RITTER reported on the status of the plans for the 50th Anniversary Celebration; he spoke about the development of a City Calendar, website, and video, and the possibility of a performance by Fern Street Circus.

CITY COUNCILMEMBER MCCOY requested that the Estuary be incorporated into the festivities and also suggested that they be included in an art competition.

COUNCILMEMBER WINTER expressed a desire for a consistent 50th Anniversary design that is easily recognizable, as well as provide universal signs that may be used in conjunction with all of the events.

ORDINANCES - INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1 & 3.2)

3.1 INTRODUCTION OF ORDINANCE NO. 2005-1026 REPEALING AUTHORITY TO IMPOSE STANDBY CHARGES AND MODIFICATION OF SEWER RATE APPEAL PROCESS. (0830-37)

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH explained that this ordinance would allow for appeals as currently there is no mechanism for appeals; he announced no speaker slips were submitted.

Discussion ensued regarding methods to show effluent flow measurement.

MAYOR ROSE called for the reading of the title of Ordinance No. 2005-1026.

CITY CLERK HALD read the title of Ordinance No. 2005-1026, an Ordinance of the City Council of the City of Imperial Beach, California, amending Section 13.06.060(E) and repealing Section 13.060.080 of the Imperial Beach Municipal Code.

MOTION BY ROSE, SECOND BY WINTER, TO DISPENSE FIRST READING OF ORDINANCE NO. 2005-2026 AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION.

Council discussion ensued.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY ROSE, SECOND BY WINTER, TO DISPENSE FIRST READING OF ORDINANCE NO. 2005-1026 AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED UNANIMOUSLY.

3.2 INTRODUCTION OF ORDINANCE NO. 2005-1027 RENAMING CHAPTER 8.36 AND ADDING AUTHORITY TO COLLECT POLLUTION FROM PUBLIC PLACES, AUTHORIZING FEES FOR THE SERVICE AND MAKING OTHER PROCEDURAL CHANGES. (0270-05)

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH explained that the current code incorporates the County of San Diego codes by reference; to eliminate confusion as well as bring the City code up to our current practices, he recommended that Council consider the introduction of Ordinance 2005-1027; he also announced that a revised ordinance was submitted as last minute agenda information.

CITY CLERK HALD announced no speaker slips were submitted.

CITY CLERK HALD read the title of Ordinance No. 2005-1027, an Ordinance of the City Council of the City of Imperial Beach, California, renaming Chapter 8.36 (Refuse, Solid Waste and Recyclable Collection); amending Sections 8.36.020 (Authorization for Collection of Solid Waste and Recyclables), 8.36.030 (Definitions) and 8.36.050 (Collection by Franchisee); repealing 8.36.110 (Garbage and Refuse-recycling Receptacles-approved for Use); amending and renumbering 8.36.120 (Garbage and Refuse-recycling-receptacles for Collection) and 8.36.170 (Owner or Occupier Duty to Keep Sidewalks Litter Free); renumbering Sections 8.36.130 - 8.36.160, 8.36.180 to 8.36.270 and adding Sections 8.36.250 to 8.36.320 relating to solid waste collection methods.

MOTION BY ROSE, SECOND BY WINTER, TO DISPENSE FIRST READING OF ORDINANCE NO. 2005-1027 AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED UNANIMOUSLY.

ORDINANCES - SECOND READING & ADOPTION (4)

None.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1 - 6.2)

- 6.1 JOE CRISTILLI (APPLICANT/ARCHITECT) / BOB KIPPERMAN (PROPERTY OWNER); ADMINISTRATIVE COASTAL PERMIT (ACP 04-165), CONDITIONAL USE PERMIT (CUP 04-166), DESIGN REVIEW (DRC 04-167), SITE PLAN REVIEW (SPR 04-168), FOR A MIXED-USE DEVELOPMENT WITH A RETAIL COMMERCIAL SPACE AND THREE RESIDENTIAL UNITS LOCATED AT 201 PALM AVE., IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 755. (0600-20)**

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item and he recommended that the item be continued at the applicant's request.

MOTION BY ROSE, SECOND BY MCCOY, TO CONTINUE THE ITEM TO JULY 6, 2005. MOTION CARRIED UNANIMOUSLY.

REPORTS (7.1 - 7.5)

- 7.1 FY 2005/2007 "FINAL" TWO-YEAR OPERATING BUDGET FOR THE CITY AND REDEVELOPMENT AGENCY (RDA). (0330-30)**

CITY MANAGER BROWN introduced the item.

ADMINISTRATIVE SERVICES DIRECTOR HERRERA gave a PowerPoint presentation on the item and provided copies of it for Council's review.

CITY MANAGER BROWN stated the difficulty is determining how to raise the tax base to support increasing public safety costs; he commented that an added property tax or a utility tax increase could potentially bring in approximately \$2 million per year; he noted that it would be difficult to cut an already lean budget.

In response to Mayor Pro Tem Janney's question about the low percentage of sales tax generated per capita in comparison to the rest of San Diego County, CITY MANAGER BROWN responded that low amount is not a function of buying power, but rather the consumer going out of the City of Imperial Beach for their purchases.

CITY ATTORNEY LOUGH added that the City of Imperial Beach is not located by a freeway or major highway and is unable to generate major shopping centers or able to attract major car dealerships.

COUNCILMEMBER WINTER stated that the City's housing and neighborhoods generate the most income for the City; she reported that at the League of California Cities – S.D. Division Housing Forum, Councilmember Ron Morrison suggested that RDA laws be revised to allow for property tax money from new housing and infill be spent on public safety, parks, etc. She spoke in support of fiscal reform and about the need to maintain I.B.'s identity and not become identical to other cities with big box stores.

CITY MANAGER BROWN spoke of possible cost saving measures in public safety, such as changes in emergency transport and a more efficient way to provide animal control.

MAYOR ROSE appreciated the excellent job the Sheriff's Department does to maintain the public safety; she expressed concern about increased Sheriff's costs and potential cuts in Port funding; she anticipates working with other contract cities on finding common ground with the Sheriff's Department; she congratulated staff on their efforts for presenting a balanced budget.

CITY CLERK HALD announced no speaker slips were submitted.

MOTION BY ROSE, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2005-6175 – ADOPTING THE FISCAL YEAR 2005/2007 TWO-YEAR OPERATING BUDGET OF THE CITY OF IMPERIAL BEACH, AND APPROPRIATING THE MONIES AS OUTLINED IN THE TWO-YEAR BUDGET FOR THE FISCAL YEARS BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2006, ADOPT RESOLUTION NO. R-05-68 – AUTHORIZING THE TWO-YEAR APPROPRIATION OF RDA FUNDS FOR USE IN THE TWO-YEAR FY 2005/2007 RDA BUDGET, BEGINNING ON JULY 1, 2005 AND ENDING JUNE 30, 2007 AND APPROVE THE INVESTMENT POLICY FOR USE DURING FY 2005/2006.

COUNCILMEMBER MCCOY expressed concern about the lack of public in attendance.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY ROSE, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2005-6175 – ADOPTING THE FISCAL YEAR 2005/2007 TWO-YEAR OPERATING BUDGET OF THE CITY OF IMPERIAL BEACH, AND APPROPRIATING THE MONIES AS OUTLINED IN THE TWO-YEAR BUDGET FOR THE FISCAL YEARS BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2006, ADOPT RESOLUTION NO. R-05-68 – AUTHORIZING THE TWO-YEAR APPROPRIATION OF RDA FUNDS FOR USE IN THE TWO-YEAR FY 2005/2007 RDA BUDGET, BEGINNING ON JULY 1, 2005 AND ENDING JUNE 30, 2007 AND APPROVE THE INVESTMENT POLICY FOR USE DURING FY 2005/2006. MOTION CARRIED UNANIMOUSLY.

7.2 APPROVAL OF FY 2005/2006 GANN SPENDING LIMIT AND CALCULATION OF PROCEEDS OF TAXES. (0390-05)

CITY MANAGER BROWN introduced the item.

ADMINISTRATIVE SERVICES DIRECTOR HERRERA gave a report on the item.

MOTION BY WINTER, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2005-6174 – APPROVING THE GANN SPENDING LIMIT CUMULATIVE FROM 1978/1979 THROUGH FISCAL YEAR 2005/2006, CALCULATION OF PROCEEDS OF TAXES FOR THE FISCAL YEARS 2005/2006, AND GANN SPENDING LIMIT. MOTION CARRIED UNANIMOUSLY.

7.3 SEWER & SOLID WASTE RATE STUDIES STATUS REPORT. (0830-90)

CITY MANAGER BROWN requested City Council's authorization to amend the consultant's contract to prepare a separate rate study for collecting storm water compliance costs on the EDCO solid waste billing system; he stated that Council was not to make a decision about the sewer rates, but rather receive staff's report and review the meeting schedule for public discussion.

ADMINISTRATIVE SERVICES DIRECTOR HERRERA gave a PowerPoint presentation on the item, noting that sewer rates have not been raised for approximately 10 years; he announced that the sewer rate study is attached to the staff report and is available for public review at the City Clerk's office; he said that storm water costs would be presented to Council in July as a separate study.

COUNCILMEMBER WINTER expressed concern about potential financial impacts to the City if the permit waiving the requirement to perform secondary treatment on wastewater before ocean discharge were not renewed.

MAYOR ROSE requested that the consultant ensure that San Diego's actual costs are considered in the study.

COUNCILMEMBER WINTER stated that the Metro Commission is closely monitoring San Diego to ensure that any costs passed on to the participating agencies are fair and adequate.

GREG CLUMPNER, of Foresight Consulting, stated that his recommendations would be based on capital improvements for the City system and costs for the contracted treatment disposal from Metro, assuming there are no significant changes in how that is being allocated.

ADMINISTRATIVE SERVICES DIRECTOR HERRERA stated that the cost component related to Metro would be an annual review, if there was a significant cost increase it would be a direct pass through cost in the rate consideration.

CITY ATTORNEY LOUGH stated that it is understood that increases may happen in the future; however, they cannot be factored into the study, as they have not yet been approved. He stressed that the consultant can only consider the current situation.

MAYOR ROSE expressed concern about the compressed time frame to deal with the item and she requested that a public workshop be held. She recommended making an announcement at the next Chamber of Commerce breakfast as another means of informing the public.

CITY MANGER BROWN recommended a public workshop be held on June 29th and a Council Workshop on Monday, June 20th.

Concurrence of Council to hold a public workshop on June 29th or 30th at 6:00 p.m. and a Council workshop on June 20th at 6:00 p.m.

MOTION BY ROSE, SECOND BY WINTER, TO APPROVE THE TIMELINE FOR WORK STUDY SESSIONS AND PUBLIC HEARING DATES TO CONSIDER THE SEWER RATE STUDY FOR THE FISCAL YEAR 2005/2006 BUDGET PERIOD, TO AUTHORIZE EXPANDED SCOPE OF WORK WITH FORESIGHT CONSULTING AT A COST NOT TO EXCEED \$8,000 TO COMPLETE A SOLID WASTE RATE STUDY THAT RECOVERS THE COST OF MANDATED NPDES STORM WATER COSTS, AND AUTHORIZE BUDGET AMENDMENT RESOLUTION NO. 2005-6171 IN THE AMOUNT OF \$8,000. MOTION CARRIED UNANIMOUSLY.

7.5 SEWAGE ISSUE STRATEGY/SECONDARY TREATMENT STATUS. (0620-75)

CITY MANAGER BROWN reported on an article that stated that the Coastal Commission determined that the Baja Aqua approach and plan recommended by the IBWC was consistent with the Commission's mission.

REPORTS OF MAYOR AND COUNCILMEMBERS

MAYOR ROSE thanked Councilmember Winter for her recent Op-Ed piece, which appeared in the Union-Tribune and she commented that the Community appreciated Council's defense of the City regarding misinformation on I.B. beach contamination.

The meeting adjourned at 8:55 p.m.

Diane Rose, Mayor

Attest:
Jacqueline M. Hald, CMC
City Clerk